REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1 - 4, 6 - 12, 14 - 21 are currently pending.

Claims 6-11 and 14-21 were previously withdrawn from further consideration.

Claims 5, 13, 22 and 23 were previously canceled without prejudice or disclaimer.

Claims 1 is amended without the introduction of new matter. Support is found in, for example, the Specification at page 25, line 26 - page 26, line 4.

II. Rejections under 35 U.S.C. § 103

Claims 1-4 12, and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kameo et al. (EP 0 88 791, herein "Kameo"). Applicants submit that the rejection as to previously canceled claim 13 is moot. Applicants amend claim 1 to further clarify the nature of their invention, and respectfully traverse the rejections as to claims 1 - 4 and 12.

In amended independent claim, Applicants claim:

1. An interlabial pad comprising:

an absorbent body; and

a cover body for covering the absorbent body in an enclosing manner,

wherein the interlabial pad has an elongated shape and a substantially elliptical cross section, and has a length under use in a vertical direction that is longer than a length in a horizontal direction and

wherein the absorbent body includes a fiber aggregate in which the fibers are

oriented in random directions, the fiber aggregate including:

a first fiber aggregate located on an upper side of the interlabial pad in a vertical direction when the interlabial pad is worn by a wearer,

a second fiber aggregate located on a lower side of the first fiber aggregate and

a third fiber aggregate located on a lower side of the second fiber aggregate and on a lower side of the interlabial pad,

wherein the first fiber aggregate, the second fiber aggregate and the third fiber aggregate are free of any adhesive agent or pressing applied to any of the first fiber aggregate, the second fiber aggregate and the third fiber aggregate, and are covered by the cover body, such that ends of the cover body are affixed on the third fiber aggregate,

wherein an average fiber length in each of the first fiber aggregate and the third fiber aggregate is between 25 mm and 50 mm, and an average fiber length in the second fiber aggregate is between 3 mm and 4 mm,

wherein spaces between fibers in the first fiber aggregate and the third fiber aggregate are more flexibly varied than spaces between fibers in the second fiber aggregate, and

wherein the fiber aggregate has a flexural rigidity, measurable as a Gurley bending resistance ranging from 25 mg to 130 mg; and a ratio of flexural rigidities in two mutually orthogonal directions ranging between 0.5 and 2.0.

(Emphasis added).

Kameo discloses an absorbent article including a top sheet 2, a back sheet 3, and absorbent body 4 having an absorbent member 6 and an elastic member 7 (see, e.g., FG. 2 of Kameo). In sharp contrast to Applicants' invention as claimed in amended independent claim 1, the absorbent article of Kameo has a substantially rectangular cross-section rather than a substantially elliptical cross section (compare, e.g., FGI. 2 of Kameo with Applicants' FIG. 4). As noted by the Examiner, Kameo fails to teach an absorbent article having a first fiber aggregate, a second fiber aggregate, and a third fiber

aggregate. The Examiner however suggests that it would have been within the level of ordinary skill at the time of invention based on Kameo to provide the additional aggregate to arrive at the three-aggregate structure as claimed. Applicants respectfully disagree.

Applicants specifically claim a first fiber aggregate, second fiber aggregate and third fiber aggregate, selected such that spaces between fibers in the first fiber aggregate and the third fiber aggregate are more flexibly varied than spaces between fibers in the second fiber aggregate. Applicants discovered that, with this claimed combination and sequence of highly flexible to less flexible fiber aggregates, the interlabial pad could be made to be retained by the labia with sufficient flexibility so at not to cause discomfort to the wearer (see, e.g., page 25, line 26 - page 26, line 4 of Applicants' specification). In sharp contrast, Kameo teaches tightly coupled layers for producing an absorbent article "which is prevented from being distorted or twisted while worn," or in other words, is not configured to be particularly flexible (see, e.g., page 2, paragraph [0009] and page 5, paragraph 47 of Kameo).

To produce the tightly coupled layers, absorbent member 6 and elastic member 7 of Kameo are joined together by "uniting means" including one or more of an adhesive layer between the absorbent member 6 and elastic member 7 and a "groove-making pressing" of the two layers (see, e.g., page 4, paragraphs [0031] - [0037] of Kameo). Thus, Kameo fails to teach or suggest Applicants' claim element specifying that "the first fiber aggregate, the second fiber aggregate and the third fiber aggregate are free of any adhesive agent or pressing applied to any of the first fiber aggregate, the second fiber aggregate and the third fiber aggregate." Moreover. Kameo fails to disclose a cover body covering the first, second and third fiber aggregates such that ends of the cover body are affixed on the third fiber aggregate.

Kameo also fails to teach or suggest that the fiber aggregate includes a first fiber aggregate having an average fiber length of between 25 mm and 50 mm, a second fiber aggregate located on a lower side of the interlabial pad, having an average fiber length of between 3 mm and 4 mm, and a third fiber aggregate located on a lower side of the second fiber aggregate layer, having an average fiber length of between 25 mm and 50 mm. Kameo teaches that an elastic member 7 (arguably comparable to Applicants' second aggregate) may preferably have fiber lengths of either 5 or 7 mm, and may preferably not have a fiber length of 51 mm (see, e.g., Table 1 of Kameo). Kameo fails to speak as to the fiber lengths used in the absorbent member 6.

Kameo also fails to teach an interlabial pad of the configuration disclosed by Applicants, with three layers of alternating flexibility for conforming to the vestibular floor of the wearer and providing cushioning in the region protruding from the labia, so that the interlabial pad does not readily fall out of position with the movement of the wearer. The absorbent article of Kameo, which is not configured as an interlabial device, does not therefore teach the configuration claimed for Applicants' interlabial pad, or otherwise provide the benefits resulting from Applicants' claimed configuration.

Accordingly, Applicants respectfully submit that the interlabial pad claimed by amended independent claim 1 is not obvious in view of Kameo, and stands in condition for allowance. As claims 2 - 4 and 12 each depend from allowable claim 1, Applicants further submit that dependent claims 2 - 4 and 12 are also allowable for at least this reason.

Therefore, Applicants respectfully request the withdrawal of the rejection of claims 1-4 and 12 under 35 U.S.C. §103(a).

CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: December 7, 2007

Respectfully submitted,

By _____ 44529 for
Louis J. DelJuidice
Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10007-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant